

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN BROADCASTING  
COMPANIES, INC., DISNEY  
ENTERPRISES, INC., TWENTIETH  
CENTURY FOX FILM CORPORATION,  
CBS BROADCASTING INC., CBS STUDIOS  
INC., FOX TELEVISION STATIONS, LLC,  
FOX BROADCASTING COMPANY, LLC,  
NBCUNIVERSAL MEDIA, LLC,  
UNIVERSAL TELEVISION LLC, and OPEN  
4 BUSINESS PRODUCTIONS, LLC,

Plaintiffs,

v.

DAVID R. GOODFRIEND and SPORTS  
FANS COALITION NY, INC.,

Defendants.

No. 19-cv-7136 (LLS)

**JOINT STIPULATION AND [PROPOSED] ORDER**

Plaintiffs American Broadcasting Companies, Inc., Disney Enterprises, Inc., Twentieth Century Fox Film Corporation, CBS Broadcasting Inc., CBS Studios Inc., Fox Television Stations, LLC, Fox Broadcasting Company, LLC, NBCUniversal Media, LLC, Universal Television LLC, and Open 4 Business Productions, LLC (“Plaintiffs”), and Defendants David R. Goodfriend and Sports Fans Coalition NY, Inc. (“Defendants”), by and through their counsel, respectfully submit this Joint Stipulation and Proposed Order in the above-captioned matter.

On May 6, 2021, the parties filed their opening motions for summary judgment and supporting materials, which included documents with confidentiality designations produced by the parties, as well as non-parties. The parties filed motions to seal for their summary judgment motions and supporting materials, ECF Nos. 107, 115, 118, which the Court denied for having insufficient support and being too non-specific to comply with *Lugosch v. Pyramid Co.*, 435 F.3d

110, 126 (2d Cir. 2006). ECF No. 136. The aforementioned process, however, did not provide the parties the opportunity to move to seal their confidential information that was filed by their opposing parties, nor did it afford non-parties AT&T, Inc., DIRECTV, LLC, DISH Network Corp., or Charter Communications, Inc. the opportunity to move to seal their confidential information. As such, the parties and non-parties have met and conferred, and propose the following program for the remainder of summary judgment filings, as well as filings related to motions objecting to the reliability of expert testimony and motions *in limine*:

IT IS HEREBY STIPULATED AND AGREED, subject to the Court's approval, that the parties and non-parties shall in good faith comply with the following program, subject to such exceptions and alterations as experience may show to be necessary:

1. To the extent any party or non-party seeks to submit a specific request to seal following the Court's May 14, 2021 Order, they shall do so by June 11, 2021;
2. The parties' briefs and evidentiary materials related to the parties' oppositions and replies to summary judgment motions ("Summary Judgment Filings") shall be filed under seal;
3. Within five days of filing, the parties shall identify to non-parties the portions of their Summary Judgment Filings that include the non-parties' materials that were produced with confidentiality designations.
4. Within 14 days after the party's identification of materials with confidentiality designations, the non-party shall identify to the party the portions of the materials it claims should be kept redacted.
5. Within seven days of such identification, the parties and non-parties will submit requests to seal any materials they claim should be redacted and/or filed under seal.

6. The Court will then rule on the parties' and non-parties' motions to seal.
7. Within five days of receiving the Court's Order on the motions to seal, the parties will re-file their Summary Judgment Filings according to the Court's Order.
8. This same process shall be used with respect to the filing of Motions Objecting to the Reliability of Expert Testimony and Motions *in Limine*.

Dated: June 3, 2021

Respectfully submitted,

/s/ Elizabeth E. Brenckman

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*Attorneys for Defendants David R. Goodfriend  
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On this \_\_\_\_ day of June, 2021,

Approved By:

\_\_\_\_\_  
The Honorable Louis L. Stanton  
United States District Judge

/s/ Thomas G. Hentoff

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